

**DEPARTMENT OF VETERANS AFFAIRS**  
**Justification and Approval**  
**For**  
**Other Than Full and Open Competition**

**1. Contracting Activity:**

John Cochran Division, VA Medical Center, 915 N. Grand Blvd, St. Louis, MO 63106

2237 transaction number - 657-12-1-1110-0004.

**2. Nature and/or Description of the Action Being Processed:**

The St Louis VA Medical Center is requesting that the following service contract be renewed with General Electric for the Cardiology Muse System.

Length of contract: 1 year.

Period of Performance: 10-01-2011 – 09/30/2012

Approximate Cost: \$57,163.44

**3. Description of Supplies/Services Required to Meet the Agency's Needs:**

1. The contractor shall provide remote diagnostics and technical phone support 24 hours per day 7 days a week. In-house Biomedical Engineers will provide first look response to all trouble calls and will notify contractor when services are needed. The contractor shall be provided applications support during business hours of 8:00AM – 5:00PM CST, Monday through Friday, excluding federal holidays to system administrators and other customer personnel that have been trained by the contractor to properly use the software. The contractor will respond within one hour after notification by the customer. Corrections to the system may be made by remote means. If the contractor determines on-site services are necessary to resolve an issue then such support will be provided.
2. All services for this contract must meet manufacturer's performance and technical specifications, Federal Regulations, and other specifications that may apply such as National Electric Code (NEC), Life Safety Code (LSC), Joint Commission on Accreditation of Healthcare Organizations (JCAHO), and VA Regulations. Also, Contractor must provide the appropriate service documentation at no additional expense.
3. Contractor shall not perform any service that will result in additional charges without prior approval from the VA Hospital COTR.
4. Contractor shall include all hardware and software update and upgrade licenses at no additional charge to the St. Louis VAMC:
  - a. Updates – Any modification, update, improvement, or error correction that increases speed, efficiency or ease of operation and are made generally available as part of the software



- b. Upgrades – Any revision or enhancements of the software that improves, expands or upgrades existing software features that are made generally available.

Hardware and/or software (including 3<sup>rd</sup> party software, such as operating system software) necessary for upgrades and updates is to be provided by the contractor. The contractor shall also provide any professional services, applications training, project management and integration services necessary to support the software updates or upgrades.

Upgrades and updates will be installed during business hours of 8:00AM – 5:00PM and do not include any separate licensed software modules that provide functionality relating to an application, feature or interface for the hardware or software that were not included under service obligations as of the signing date of this agreement.

5. All contractor personnel must report to the BMET Office to sign in before any work is performed on the premises of the St. Louis VAMC, and to sign out after completion of assignment. The contractor must furnish a detailed field service report, or equivalent, showing work completed, listing all repairs and/or repair parts used to maintain operating efficiency of the equipment. This report must be delivered to Biomedical Engineering as the contractor signs out and leaves the facility or via email to [cherlyn.ziegler@va.gov](mailto:cherlyn.ziegler@va.gov) and/or [Richard.Ivnik@va.gov](mailto:Richard.Ivnik@va.gov). The service report from the contractor must contain, at a minimum, the following information:
- a. Date and time of the contractor's arrival on station.
  - b. Type, model, and serial number(s) of all equipment on which maintenance was performed.
  - c. Total time spent performing maintenance, excluding travel time.
  - d. Detailed narrative description of the malfunction or PM action required.
  - e. Complete list of parts replaced.
  - f. Comments as to the cause of the malfunction when applicable.
  - g. Date and time the repair or PM was completed.
6. Payment will be made annually, in arrears, upon receipt of a properly prepared invoice, referencing the period for which payment is due, contract number and/or purchase order number assigned.

**This action will be awarded as a new firm fixed price contract.**

**4. Statutory Authority Permitting Other than Full and Open Competition:**

- ( X ) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
- ( ) (2) Unusual and Compelling Urgency per FAR 6.302-2;
- ( ) (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
- ( ) (4) International Agreement per FAR 6.302-4
- ( ) (5) Authorized or Required by Statute FAR 6.302-5;
- ( ) (6) National Security per FAR 6.302-6;
- ( ) (7) Public Interest per FAR 6.302-7;



**5. Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

We are requesting the following authority be used: a. Only One Responsible Source (FAR 6.302-1).

GE Medical is the provider of the equipment and the only qualified vendor to perform maintenance on the highly sophisticated equipment.

**6. Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

There is no other potential source qualified nor certified to perform maintenance on this equipment. Vendor has proprietary rights to software used to maintain this equipment. A notice of intent to award a sole source action will be published on FBO.

**7. Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

This contractor will provide information (i.e. other than cost or pricing data), which could include commercial price lists and prices for similar or the same services provided to other customers, to assist the Contracting Officer in determining if the contractor's proposed price is fair and reasonable for the services to be provided. The Contracting Officer anticipates the cost of this procurement to be fair and reasonable.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

In accordance with FAR 10.002, market research was conducted to identify any other sources for this maintenance requirement. Market Research consisted of an internet search and a search of GSA and VA Federal Supply Schedule contracts. No existing contracts that include software support for the GE Cardiology Muse System were identified. Also, a search of the FBO website was conducted. Solicitation notices posted by VHA VISNs and other agencies purchasing this service have been found on FBO. They were all issued under the authority of FAR Part 6.302-1.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

N/A

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

N/A

**11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

N/A

**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.



Michael Day  
MICHAEL DAY  
Biomedical Engineering  
St Louis VA Medical Center

**13. Approvals in accordance with FAR 6.304**

a. **Contracting Officer's Certification: (required)** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

John Eric Cross  
John Eric Cross  
CONTRACTING OFFICER  
VISN 15

8/25/2011  
Date

b. **VISN/PCA QA:** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief. \*This signature may be the VISN NCM/PCM if the Contracting Officer and Contracting Supervisor is the same individual.

Christy Herbig  
CHRISTY HERBIG  
QUALITY ASSURANCE COMPLIANCE MANAGER  
VISN 15

9/5/11  
Date

c. **NCM/PCM :** I certify the justification meets requirements for other than full and open competition.

Bernadette Cothern  
BERNADETTE COTHERN  
NETWORK CONTRACT MANAGER  
VISN 15

9-6-11  
Date

d. **SAO:** I certify the justification meets requirements for other than full and open competition.

N/A  
PAMELA J. SANDERS  
DIRECTOR  
SAO CENTRAL REGION

DATE



**e. VHA HCA's Review and Approval:** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and recommend approval (over \$50 million), approve (up to \$ 50 million) for other than full and open competition.

\_\_\_\_\_  
N/A  
Mr. Norbert Doyle  
Acting Chief Procurement Officer  
VHA, Head of Contracting Activity

\_\_\_\_\_  
DATE

**f. VHA Senior Procurement Executive Approval (over \$50 million):** I have reviewed the foregoing justification and find it to be complete and accurate to the best of my knowledge and belief and approve for other than full and open competition.

\_\_\_\_\_  
N/A  
JAN R. FRYE  
DEPUTY ASSISTANT SECRETARY  
OFFICE OF ACQUISITION AND LOGISTICS  
SENIOR PROCUREMENT EXECUTIVE (SPE)

\_\_\_\_\_  
Date

#### **VHA Head of Contracting Activity (HCA) Approval Process**

Head of Contracting Activity (HCA) – Process for Authorities which **require** HCA approval.

- Network and Program Contracting Managers (NCM/PCM) will electronically transmit each HCA package with the request for approval through the Service Area Office (SAO).
- SAO will review the request ensuring all packages submitted contain the required documentation. Upon approval, the SAO Director or Designee will enter the request in the Acquisition Resource Center (ARC) – HCA Community site located at:  
<http://arc.aac.va.gov/Acquisition/ARCCommunities/VHAHCA/Pages/default.aspx> .
- The SAO Director or Designee will log the document on the tracking sheet and save it in the appropriate SAO folder based on the request type. The SAO or designee will then send a message to the "VHA CO HCA Requests" mail group to alert 10F that a request has been submitted for review.
- The Operations Director or designee will review and concur on the task package. After concurrence, the document will be prepared for the signature of the Chief Procurement and Logistics Officer or when required transmitted directly to the Deputy Senior Procurement Executive (DSPE) after CPLO concurrence.
- When the CPLO or DSPE approves and signs or denies the request, the document will be scanned into the ARC community and the SAO will be electronically notified.